

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed June 8, 2009. At the time of the Office Action, Claims 1, 3-5, 8, 10-12, 14-16 and 18-23 were pending in the Application and stand rejected. Applicant amends several Independent Claims without prejudice or disclaimer. The amendments to these claims are not the result of any Prior Art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 1-5, 7-12 and 14-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0129140 issued to Peled et al., (hereinafter "*Peled*") in view of U.S. Publication No. 2003/0084326 issued to Tarquini (hereinafter "*Tarquini*").

Applicant respectfully reminds the Examiner that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior reference (or references when combined) must teach or suggest all of the claim limitations.<sup>1</sup>

It is respectfully submitted that the rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each and every claim limitation of the Independent Claims. For example, with respect to Independent Claim 1, no reference of record provides "...a

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<sup>1</sup> See M.P.E.P. §2142-43.

*capture system that maintains the stored signatures is configured to allow the intercepted document to be forwarded from the capture system to its intended destination at a network node unless a capture rule prohibits forwarding the intercepted document based on the document including one or more objects."*

No reference of record provides for these activities. First, no cited reference actually allows an intercepted document to be forwarded from the capture system to its intended destination at a network node. There is nothing in any of the cited references for this teaching. Second, there is nothing offered by the Examiner that offers such an operation ***unless the capture rule prohibits forwarding the intercepted document based on the document including one or more objects***. Again, these important limitations are provided for in Independent Claim 1, but no reference of record includes such elements. Applicant has reviewed the cited references in their respective entireties and finds nothing that would be relevant to such operations.

The other pending Independent Claims include limitations similar, but not identical, to these limitations. For at least these reasons, all the Independent Claims are easily allowable over the cited references. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons. Thus, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

An Information Disclosure Statement is being filed simultaneously herewith. The fee in the amount of \$180 for late submission fee of \$1.17(p) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at (214) 823-1241.

Respectfully submitted,

Patent Capital Group  
Attorneys for Applicant

/Thomas J. Frame/

Thomas J. Frame  
Reg. No. 47,232

Date: August 10, 2009

**Customer No. 78855**